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OFFICE OF THE CHAPTER 13 TRUSTEE
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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

IN RE: DARCY RHAE JAIMEZ Debtor	CASE NO: 10-20773 Chapter 13 FILED ELECTRONICALLY JUDGE R. KIMBALL MOSIER
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**TRUSTEE'S MOTION TO DISMISS FOR NON-COMPLIANCE
WITH CONFIRMATION ORDER**

KEVIN R. ANDERSON, Standing Chapter 13 Trustee, hereby moves this Court for an entry of an Order dismissing the above-entitled case for failure to comply with the Order Confirming Debtor's Chapter 13 Plan. In support thereof, the Trustee represents as follows:

1. Pursuant to the terms of the Order Confirming Debtor's Chapter 13 Plan, the Debtor is required to make payments of \$288.00 on or before the 25th day of each month. The above named Debtor has failed to comply with this term of the confirmed plan resulting in a delinquency in monthly payments to the Trustee in the total sum of \$864.00 (see Exhibit "A").
2. The Trustee may withdraw this Motion to Dismiss if the entire delinquency in the amount stated above is cured by November 05, 2010. If the payment is tendered after the next monthly payment

comes due on the 25th, the Trustee will not withdraw the Motion to Dismiss unless an additional \$288.00 is included in the payment to cure the delinquency stated in paragraph (1),

3. If the payment delinquency is not cured as stated above, failure to file a written response with the Court by November 05, 2010, and failure to serve a copy of the response upon the Chapter 13 Trustee, will result in the administrative dismissal of this case without further notice or hearing. Failure to hold a hearing within forty (40) days of filing the written response will also result in the administrative dismissal of this case without further notice or hearing.

4. Sufficient notice of the resulting Order of Dismissal will be provided to all parties in interest pursuant to Fed.R.Bankr.P. 2002(f).

THEREFORE, unless the Debtor cures this default in the plan, it is in the best interest of creditors and the estate that the Court enter an Order of Dismissal dismissing this case under 11 U.S.C. 1307.

Dated: 10/12/2010

/s/ KRA
KEVIN R. ANDERSON
Chapter 13 Trustee

CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copy of the foregoing Trustee's Motion to Dismiss was served upon all persons entitled to receive notice in this case via ECF notification or by U.S. Mail to the following parties on October 12, 2010:

DARCY RHAE JAIMEZ
1518 W. 140 N.
PLESEANT GROVE, UT 84602

ROBERT S. PAYNE
ECF NOTIFICATION

CITIFINANCIAL AUTO LTD
C/O KIM R. WILSON
SNOW CHRISTENSEN & MARTINEAU
10 EXCHANGE PLACE 11TH FLOOR PO BOX 45000
SALT LAKE CITY, UT 84145

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/s/

Office of Chapter 13 Trustee

EXHIBIT "A"

Trustee's Accounting of Receipts as of October 12, 2010

<u>Date</u>	<u>Payment Type</u>	<u>Amount</u>
03/08/2010	14-050590617	\$272.00
05/05/2010	10318615582	\$288.00
06/28/2010	10326887414	\$288.00
08/27/2010	4001208633	\$288.00

Total Receipts: \$1,136.00